IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12600 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LAXMIBEN RAMESHBHAI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 12600 of 2003

MR YF MEHTA for Petitioner No. 1

MR DN PATEL for Respondent No. 1

..... for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 10/09/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Sr. Standing Counsel Shri D.N. Patel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that on the basis of her school leaving certificate her date of birth was initially recorded as 1.6.1948 in her passport (No. E-0698764). Thereafter the petitioner has come to know that her correct date of birth is 5.6.1948 as recorded in the Register of Births and Deaths maintained under the provisions of Registration of Births and Deaths Act, 1969.

3. In the circumstances, the petitioner wants that her correct date of birth be recorded in her passport.

4. In pursuance of notice issued by this court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which has been issued to the petitioner it has been stated that the petitioner was born on 1.6.1948. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct date of birth of the petitioner is 5.6.1948, a new passport stating the correct date of birth shall be issued to her.

5. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born on 5.6.1948. If the authority is satisfied that the correct date of birth of the petitioner is 5.6.1948, I am sure that the authority shall issue a new passport recording the correct date of birth.

6. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)